

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARK BOETTIGHEIMER,)	
)	
Petitioner,)	
)	
v.)	No. 4:11CV2 DDN
)	
JEFF NORMAN,)	
)	
Respondent.)	

ORDER OF DISMISSAL

This matter is before the Court upon review of petitioner's response to the order to show cause.¹ Having carefully reviewed petitioner's response, the Court concludes that his arguments are without merit and that the instant action is time-barred under 28 U.S.C. § 2244(d).

Accordingly,

IT IS HEREBY ORDERED that petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**. Rule 4 of the Rules Governing § 2254 Proceedings.

¹On February 3, 2011, the Court ordered petitioner to show cause as to why the Court should not dismiss the instant application for writ of habeas corpus as time-barred. Petitioner's motion for application for writ of habeas corpus was filed more than nine years after his state court conviction became final.

IT IS FURTHER ORDERED that the Court will not issue a Certificate of Appealability.

Dated this 23rd day of March, 2011.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE